

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ORLANDO MONTES,

Plaintiff,

v.

16-cv-0126 JCH/SMV

**PINNACLE PROPANE, L.L.C.,
ALLEN SULTEMEIER, COUNTY OF LINCOLN,
LINCOLN COUNTY FAIR ASSOCIATION,
and JOHN DOES I-II,**

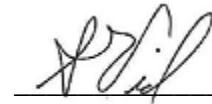
Defendants.

ORDER AWARDING EXPENSES

THIS MATTER is before the Court on the Affidavit of attorney Erin Rolstad, corporate counsel for the parent company of Defendant Pinnacle Propane [Doc. 166], filed on October 31, 2016. Plaintiff had filed a Motion for Discovery Sanctions [Docs. 137, 138] on September 16, 2016, which the Court denied on October 18, 2016. [Doc. 164]. The Court found that Plaintiff was not substantially justified in filing the motion and that no other circumstances would have made an award of expenses unjust. [Doc. 164] at 5. Therefore, pursuant to Fed. R. Civ. P. 36(a)(6) and 37(a)(5)(B), the Court found that Pinnacle was entitled to its reasonable expenses incurred in opposing the motion, including attorney's fees. *Id.* Attorney Rolstad timely filed her affidavit showing that Pinnacle had expended \$789.86 in opposing the motion. [Doc. 166]. Plaintiff had ten days to object to the amount or reasonableness of the expenses claimed, but he has filed no objection.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff pay Defendant Pinnacle Propane \$789.86 no later than **December 5, 2016**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge